

ASSEMBLY BILL

No. 353

Introduced by Assembly Member Charles Calderon

February 19, 2009

An act to amend Sections 338 and 340 of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 353, as introduced, Charles Calderon. Civil actions: statute of limitations.

Existing law requires that a civil action for relief on the ground of libel or slander be commenced within one year.

This bill would provide that a civil action for relief on the ground of libel or slander shall be commenced within 3 years.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 338 of the Code of Civil Procedure is
2 amended to read:
3 338. Within three years:
4 (a) An action upon a liability created by statute, other than a
5 penalty or forfeiture.
6 (b) An action for trespass upon or injury to real property.
7 (c) An action for taking, detaining, or injuring any goods or
8 chattels, including actions for the specific recovery of personal
9 property. The cause of action in the case of theft, as defined in
10 Section 484 of the Penal Code, of any article of historical,

1 interpretive, scientific, or artistic significance is not deemed to
2 have accrued until the discovery of the whereabouts of the article
3 by the aggrieved party, his or her agent, or the law enforcement
4 agency that originally investigated the theft.

5 (d) An action for relief on the ground of fraud or mistake. The
6 cause of action in that case is not deemed to have accrued until
7 the discovery, by the aggrieved party, of the facts constituting the
8 fraud or mistake.

9 (e) An action upon a bond of a public official except any cause
10 of action based on fraud or embezzlement is not deemed to have
11 accrued until the discovery, by the aggrieved party or his or her
12 agent, of the facts constituting the cause of action upon the bond.

13 (f) (1) An action against a notary public on his or her bond or
14 in his or her official capacity except that any cause of action based
15 on malfeasance or misfeasance is not deemed to have accrued until
16 discovery, by the aggrieved party or his or her agent, of the facts
17 constituting the cause of action.

18 (2) Notwithstanding paragraph (1), an action based on
19 malfeasance or misfeasance shall be commenced within one year
20 from discovery, by the aggrieved party or his or her agent, of the
21 facts constituting the cause of action or within three years from
22 the performance of the notarial act giving rise to the action,
23 whichever is later.

24 (3) Notwithstanding paragraph (1), an action against a notary
25 public on his or her bond or in his or her official capacity shall be
26 commenced within six years.

27 (g) An action for slander of title to real property.

28 (h) An action commenced under Section 17536 of the Business
29 and Professions Code. The cause of action in that case shall not
30 be deemed to have accrued until the discovery by the aggrieved
31 party, the Attorney General, the district attorney, the county
32 counsel, the city prosecutor, or the city attorney of the facts
33 constituting grounds for commencing the action.

34 (i) An action commenced under the Porter-Cologne Water
35 Quality Control Act (Division 7 (commencing with Section 13000)
36 of the Water Code). The cause of action in that case shall not be
37 deemed to have accrued until the discovery by the State Water
38 Resources Control Board or a regional water quality control board
39 of the facts constituting grounds for commencing actions under
40 their jurisdiction.

1 (j) An action to recover for physical damage to private property
2 under Section 19 of Article I of the California Constitution.

3 (k) An action commenced under Division 26 (commencing with
4 Section 39000) of the Health and Safety Code. These causes of
5 action shall not be deemed to have accrued until the discovery by
6 the State Air Resources Board or by a district, as defined in Section
7 39025 of the Health and Safety Code, of the facts constituting
8 grounds for commencing the action under its jurisdiction.

9 (l) An action commenced under Section 1603.1, 1615, or 5650.1
10 of the Fish and Game Code. These causes of action shall not be
11 deemed to have accrued until discovery by the agency bringing
12 the action of the facts constituting the grounds for commencing
13 the action.

14 (m) An action challenging the validity of the levy upon a parcel
15 of a special tax levied by a local agency on a per parcel basis.

16 (n) An action commencing under Section 51.7 of the Civil Code.

17 (o) *An action for libel or slander.*

18 SEC. 2. Section 340 of the Code of Civil Procedure is amended
19 to read:

20 340. Within one year:

21 (a) An action upon a statute for a penalty or forfeiture, if the
22 action is given to an individual, or to an individual and the state,
23 except if the statute imposing it prescribes a different limitation.

24 (b) An action upon a statute for a forfeiture or penalty to the
25 people of this state.

26 (c) An action for ~~libel, slander,~~ false imprisonment, seduction
27 of a person below the age of legal consent, or by a depositor against
28 a bank for the payment of a forged or raised check, or a check that
29 bears a forged or unauthorized endorsement, or against any person
30 who boards or feeds an animal or fowl or who engages in the
31 practice of veterinary medicine as defined in Section 4826 of the
32 Business and Professions Code, for that person's neglect resulting
33 in injury or death to an animal or fowl in the course of boarding
34 or feeding the animal or fowl or in the course of the practice of
35 veterinary medicine on that animal or fowl.

36 (d) An action against an officer to recover damages for the
37 seizure of any property for a statutory forfeiture to the state, or for
38 the detention of, or injury to property so seized, or for damages
39 done to any person in making that seizure.

1 (e) An action by a good faith improver for relief under Chapter
2 10 (commencing with Section 871.1) of Title 10 of Part 2. The
3 time begins to run from the date upon which the good faith
4 improver discovers that the good faith improver is not the owner
5 of the land upon which the improvements have been made.

O